

REMARKS

Claims 1-31 are pending in the present application. Claims 1, 3, 7, 11, 13, 15, 19, and 23 have been amended. Claims 24-31 are new. Claims 1, 3, 7, 11, 13, 15, 19, 23, 24, and 28 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the amendments and the following remarks.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claim 12 as being allowable if rewritten in independent form and amended to overcome the rejection under 35 U.S.C. § 112, 2nd paragraph.

Specification

Attached hereto is an amendment to the specification. It is respectfully submitted that the amendment does not add new matter to the present application. The added subject matter is supported, e.g., in Fig. 10 and the corresponding description in the original specification.

Statement of Substance of Interview

Applicants wish to thank Examiner Kabir Timory and Supervisory Patent Examiner (SPE) Shuwang Liu for taking the time to discuss the present application with Applicants' representative, Jason Rhodes (Reg. No. 47,305), during the personal interview conducted on January 19, 2010.

Claims Discussed: Independent claims 1 and 3.

Prior Art Discussed: Oberg et al. (US 5,751,149); Masuda et al. (US 6,812,785); and Wendt et al. (US 5,194,823).

General Results: As to claim 1, Applicants' representative argued that the Examiner's proposed modification of Oberg in view of Masuda was not sufficient to teach or suggest the selection between two signals to be amplified as presently claimed. The SPE agreed with these arguments by Applicants' representative, but suggested that claim 1 should be amended to provide more clarity as to how such selection is made¹. As to claim 3, the SPE suggested that this claim should be amended to recite how the structural elements implement features currently recited in the "wherein" clause. However, the SPE and Examiner indicated that further consideration would be made as to whether a restriction requirement was necessary. Furthermore, agreement was reached that the Examiner should consider Ref. No. CA in the Information Disclosure Statement filed June 6, 2008.

Acknowledgment of Information Disclosure Statement

In the acknowledgement copy of the Information Disclosure Statement (IDS) filed on June 6, 2008, the Examiner crossed out Ref. No. CA and included the statement "for item (CA) non patent literature, please include the city and/or country where published." Applicants respectfully submit that the failure to provide the city and/or country where published is improper grounds for refusing to consider a reference. Even though MPEP § 609.04(a) states that each publication must be identified by "place of publication," this section of the MPEP further states that "The place of publication refers to the name of the journal, magazine, or other publication in which the information being submitted was published." Such information was already listed for Ref. No. CA in the IDS filed June 6, 2008. Therefore, the Examiner is respectfully requested to consider this reference, and provide Applicants an initialed copy of the corresponding PTO/SB/08 form indicating that the reference has been considered.

¹ Accordingly, claim 1 has been amended to recite "a unit for instructing a selection of either the radio frequency signal or the pulse signal," and that the amplifier is for "amplifying either the radio frequency signal...or the pulse signal...according to the selection," to provide such clarification.

Rejection Under 35 U.S.C. § 112

Claims 1, 2, 7-14, and 19-23 stand rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. While Applicants do not agree with the Examiner's grounds for making this rejection, it is respectfully submitted that the above amendments to claims 1, 7, 13, 19, and 23 render this rejection moot. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Rejection Under 35 U.S.C. § 103

Oberg/Masuda/Wendt

Claims 1, 2, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oberg in view of Masuda and Wendt. This rejection is respectfully traversed.

Independent claim 1 recites:

“a unit for instructing a selection of either the radio frequency signal or the pulse signal;

an amplifier for amplifying either the radio frequency signal oscillated by said radio frequency signal oscillator or the pulse signal output from said modulator according to the selection; ... wherein

said radio frequency signal is selected for amplification by the amplifier when the transmitted signal is to provide a power supply to the external device, and said pulse signal is selected for amplification by the amplifier when the transmitted signal is to provide data to the external device.”

Independent claim 13 recites similar features in method format.

Accordingly, the claimed invention requires a selection between two different signals, i.e., the radio frequency signal or the pulse signal, for amplification based on whether a power supply or transmission data is to be provided. In the rejection, the Examiner admits that Oberg fails to disclose such a selection between two signals, but asserts that it would have been obvious

to modify Oberg to incorporate Masuda's switch (element 13 of Fig. 5) to provide such a selection (see Office Action at page 8). However, as agreed during the interview of January 19, 2010, even assuming *arguendo* that it would have been obvious to combine Oberg and Masuda in such manner (which Applicants do not admit²), such combination would *not* result in the claimed selection. For instance, Masuda's switch is designed to *disable connections* between an input signal and an output stage (see col. 7, lines 5-15) – not to select between two different signals as claimed.

Furthermore, there is no teaching or suggestion in any of the aforementioned references of "a unit for instructing a selection of either the radio frequency signal or the pulse signal" (claim 1), or a step of "selecting either said radio frequency signal or the pulse signal" (claim 13) as presently claimed.

Accordingly, Oberg, Masuda, and Wendt, when considered separately or in obvious combination, fail to teach or suggest every feature as recited in claims 1 and 13. At least for this reason, independent claims 1 and 13 are in condition for allowance. Further, claims 2 and 14 are allowable at least by virtue of their dependency on claims 1 and 13. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Oberg/Wendt:

Claims 3-10 and 15-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oberg in view of Wendt. This rejection is respectfully traversed.

Initially, Applicants wish to incorporate herein by reference the arguments that were previously presented in the Amendment of August 31, 2009 (hereafter "the previous Amendment") as to why independent claims 3, 7, 15, and 19 are allowable over Oberg and Wendt (see pages 12-13 of the previous Amendment).

² Applicants respectfully submit that such combination would *not* have been obvious for purposes of § 103 because Oberg and Masuda are directed to *completely different* fields of endeavor, and address *completely different* types of

However, in an effort to expedite prosecution, Applicants have further amended apparatus claims 3 and 7 to recite “a unit for instructing a selection of either a power supply or transmission data to be provided to an external device.” These claims have also been amended to recite that the operation of other structural elements in the apparatus is tied to this selection. Similarly, method claims 15 and 19 have further been amended to recite the step of “selecting to provide either a power supply or transmission data to an external device,” and to tie another step with this selection.

As argued in the previous Amendment, both Oberg and Wendt are silent with regard to providing a power supply to an external device. As such, Oberg and Wendt do *not* teach or suggest selecting between providing a power supply or transmission data to an external device. Furthermore, the inventions in Oberg and Wendt are *not* capable of operating in a particular manner when the selection is made to provide the power supply, as presently claimed.

In view of the foregoing, Oberg and Wendt do not teach or suggest every claimed feature, when considered separately or in obvious combination. At least for this reason, independent claims 3, 7, 15, and 19 are in condition for allowance. Accordingly, claims 4-6, 8-10, 16-18, and 20-22 are allowable at least by virtue of their dependency on allowable independent claims. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Oberg/Wendt/Richardson

Claims 11 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oberg and Wendt, and further in view of Richardson et al. (US 2004/0178944). This rejection is respectfully traversed.

Independent claims 11 and 23, as amended, recite features similar to those discussed above in connection with independent claims 7 and 19. As such, claims 11 and 23 are patentably distinguishable over Oberg/Wendt for similar reasons as claims 7 and 19. Furthermore,

problems. Specifically, Oberg is intended for locating impedance mismatches in a transmission line, while Masuda is intended for disabling a switching operation in a digital/analog converter when the input signal is at zero level.

Richardson fails to remedy the deficiencies of Oberg and Wendt mentioned above in connection with claims 7 and 19. Richardson is merely relied upon to teach noncontact wireless communication equipment (see Office Action at page 15).

Accordingly, Oberg, Wendt, and Richardson, taken separately or in obvious combination, fail to teach or suggest every feature of claims 11 and 23. At least for this reason, claims 11 and 23 are in condition for allowance. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

New Claims

Claims 24-31 are new. It is respectfully submitted that the filing of claims 24-31 do not add new matter to the present application. Further, it is respectfully submitted that claims 24-31 recite a combination of elements which is neither taught nor suggested by the prior art of record.

Conclusion

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

Application No. 10/580,568
Amendment dated March 9, 2010
Reply to Office Action of December 9, 2009

Docket No.: 1163-0568PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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